

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

TERRENCE GLENN

Petitioner,

v.

CHRISTOPHER ZYCH,

Respondent.

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Civil Action No. 7:11-cv-00451

MEMORANDUM OPINION

**By: Hon. Michael F. Urbanski
United States District Judge**

By Order entered October 4, 2011, the court assessed the \$5.00 filing fee and granted petitioner fifteen days from the date of the Order to file a statement of his assets and a certified report of his inmate trust account for the six-month period before he filed this action in order for the court to determine a payment schedule, pursuant to 28 U.S.C. § 1915. Petitioner could alternatively pay the \$5 filing fee. However, petitioner was advised that his failure to pay the fee or return the financial documents within the time allowed would result in dismissal of this action without prejudice.

The time for petitioner to comply with the Order has expired, and petitioner failed to pay the fee or file the required financial documents. Accordingly, petitioner failed to comply with the court's order and the requirements of § 1915, and this action is dismissed without prejudice. Petitioner may refile his claims in a new and separate action once he can pay the \$5 filing fee or file the necessary financial forms to proceed in forma pauperis.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to petitioner.

Entered: November 8, 2011

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge